

**REMARKS**

Reconsideration and allowance of the subject application are respectfully requested.

Upon entry of this Amendment, claims 1-12 are pending in the application. In response to the Office Action (Paper No. 5), Applicant respectfully submits the pending claims define patentable subject matter.

**I. Preliminary Matters**

Applicant respectfully requests the indicate acceptance of the drawings filed on August 28, 2000 in the next action.

Although initialed copies of Form PTO-1449's submitted along with the Information Disclosure Statements on August 28, 2000 and August 26, 2002 were attached to the Office Action, an initialed copy of the Form PTO-1449 submitted along with an Information Disclosure Statement on September 25, 2000 was not attached to the Office Action. Therefore, Applicant is submitting another copy of the Form PTO-1449 filed September 25, 2000 (for the Examiner's convenience) and requests the Examiner provide an initialed copy of the Form PTO-1449 along with the next action.

**II. Rejection of claims 1-12 under 35 U.S.C. § 112, second paragraph**

Claims 1-12 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite because the Examiner alleges the term "respectively" in independent claims 1 and 8 is a relative term which is not defined by the claim. By this Amendment, Applicant has amended the claims to

improve clarity. Accordingly, the Examiner is requested to remove the § 112, second paragraph, rejection.

### **III. Prior Art Rejection**

Claims 1 and 8 are rejected under 35 U.S.C. § 102(a) as being anticipated by FR 2784066 to Daiss et al. (hereafter Daiss).<sup>1</sup> Applicant respectfully submits the claimed invention would not have been anticipated by or rendered obvious in view of Daiss.

Daiss discloses a method and apparatus for placing a driving motor of a motor vehicle into operation. A motor vehicle is provided with a usage authorization checking device that detects biometric data of a person with a biometric sensor configuration. If the usage authorization check, performed with biometrically detected data, is positive, the vehicle can be put into operation by performing a predetermined actuation (i.e., movement of an accelerator pedal, a transmission shift lever, a clutch pedal and a brake pedal) without actuating a separate ignition or starter switch.

With reference to Figure 1, Daiss discloses that when a person desires to put a motor vehicle into operation, the person places a thumb before the sensor of a biometric sensor configuration 34 which reads a fingerprint pattern 36. A control unit 26, executes a predetermined algorithm based on predetermined biometric data to generate data which is compared in the control unit 26 or in the

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<sup>1</sup> Although the § 102(a) rejection based on FR 2784066 may be overcome by submitting a verified translation of the priority document, Japanese Application No. 2000-078932 (i.e., the foreign priority date of the present application is earlier than the publication date of FR 2784066), Applicant notes that FR 2784066 is related to corresponding U.S. Patent No. 6,373,148 which has a filing earlier than the foreign priority date of the present application. Along with this Amendment, Applicant is submitting an Information Disclosure Statement with regards to U.S. Patent No. 6,373,148.

biometric sensor configuration 34 with calculation data stored in memory. If the person is recognized as authorized based on the comparison, the control unit 26 automatically puts a vehicle electrical system 28 and an engine electrical system 30 into operation, so that the vehicle is ready to be operated. In response to a subsequent sequence of events, the control unit 26 sends a signal to the engine electrical system 30, which activates a starter 32 to start the engine 10. The sequence of events may include the driver shifting a selector lever 14 out of a standard position when the vehicle is parked (i.e., the park or neutral position) into a driving position (i.e., the reverse or drive positions) and simultaneously depressing the brake pedal 18 and the accelerator pedal 16 thereby indicating that the driver wants to drive away.

Independent claims 1 and 8 recite in part “a fingerprint verification means for verifying an identity of the fingerprint information ... in a first processing mode ...., wherein the vehicle key system is configured to operate in the first processing mode and at least a second processing mode for administering storage of information in the fingerprint information storage means”.

Claim 1 further requires “a processing mode switching means for switching between the first and second processing modes according to detection of a predetermined manipulation of the at least one operation unit or the at least one pedal by said manipulation detection means.”

Claim 8 further requires “a connecting means for connecting said vehicle key system with an external unit and receiving a signal which indicates manipulation of the external unit; and a processing mode switching means for switching between the first and second processing modes when the vehicle key system detects the signal received by the connections means indicating a predetermined manipulation of the external means.”

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Applicant respectfully submits that Daiss does not teach or suggest the claimed second processing mode for administering storage of information in the fingerprint information storage means, and/or the claimed processing mode switching means for switching between the first and second processing modes. Rather, Daiss simply teaches one processing mode for comparing determining whether the sensed fingerprint pattern corresponds to an authorized user.

Accordingly, Applicant respectfully submits that claims 1 and 8 should be allowable because the cited reference does not teach or suggest all of the features of the claims.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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**23373**

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